

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

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| STATE OF MISSOURI, |) No. ED102487 |
| |) |
| Respondent, |) Appeal from the Circuit Court of |
| |) Montgomery County |
| vs. |) |
| |) Honorable Wesley C. Dalton |
| JERRY LEE COLE, |) |
| |) |
| Appellant. |) Filed: March 15, 2016 |

Jerry Cole (Appellant) appeals the judgment of the Circuit Court of Montgomery County, entered after a jury trial, finding him guilty for one count of possession of a controlled substance with the intent to distribute and one count of possession of drug paraphernalia. On appeal, Appellant argues the trial court erred by allowing a police officer to testify about incriminating hearsay statements made by an informant to police.

AFFIRMED

Division Two Holds:

- (1) Informant's out-of-court statements exceeded the scope necessary to explain subsequent police conduct and therefore constituted inadmissible hearsay.
- (2) Appellant was not prejudiced as a result of the admission of the hearsay statements.

Opinion by: Philip M. Hess, P.J.
Gary M. Gaertner, Jr., J. and Angela T. Quigless, J. concur.

Attorney for Appellant: Emmett D. Queener

Attorney for Respondents: Robert J. Bartholomew, Jr.

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| THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED. |
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